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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,402	02/19/2002	Yasuhiko Hatae	500.41212X00	2125

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EXAMINER

GARY, ERIKA A

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 11/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/076,402

Applicant(s)

HATAE ET AL.

Examiner

Erika A. Gary

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 8, 10, 12-14, 17-19 and 22-24 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 9, 11, 15, 16, 20, 21, 25 and 26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/19/02.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 2 recites receiving the command signal from said base station. However, according to claim 1, the command signal is generated by a signal generator. The Examiner will interpret claim 2 as "...a first receiver for receiving the command signal from said signal generator."

3. Claim 3 recites the limitation "the reproduced video signals" in line 4". There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 7, 8, 10, 14, 17-19, and 22-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Mackey et al., US Patent Number 6,141,611 (hereinafter Mackey).

Regarding claims 1, 7, 17, and 22, Mackey discloses an emergency information notifying apparatus of a moving object, comprising: at least one image pick-up device for picking up images where a part of said moving object comes in sight a range of a view field of said image pick-up device; first recording apparatus for recording video signals from said image pick-up device, said first recording apparatus having a function of iterative recording, a first transmitter for transmitting said video signals recorded in said first recording apparatus to a predetermined base station; a first control unit for controlling an operation of said first recording apparatus and said first transmitter; and a signal generator for generating a command signal on the basis of a shock to said moving object, wherein said first control unit stops the recording operation of said first recording apparatus after a lapse of a predetermined time from the timing when the shock is applied to said moving object on the basis of the signal from said signal generator [figs. 1-3; col. 2: lines 15-35].

Regarding claim 2, Mackey discloses a first receiver for receiving the command signal from said signal generator [col. 2: lines 15-17].

Regarding claims 3, 8, 18, and 23, Mackey discloses a global positioning system, wherein said emergency information control unit superposes position information and time information from said global positioning system on the video signals from said first recording apparatus on the basis of said command signal and transmits them from said

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first transmitter to said base station, wherein said base station displays said video signals and said position information [col. 1: lines 31-48; col. 2: lines 25-29].

Regarding claims 4 and 19, Mackey discloses the signal generator includes at least one of an airbag, a shock sensor, a temperature detecting sensor, and a manual notification button [col. 1: 35-39].

Regarding claims 10 and 24, Mackey discloses wherein the moving object is an automobile; wherein said emergency information notifying apparatus further comprises a second recording apparatus that records information relating to at least one of a speed of said automobile, its steering angle, and an amount of its brake pedal operation, and said first transmitter transmits said information recorded in said second recording apparatus to said base station; and wherein said display unit in said base station displays said information from said second recording apparatus [col. 2: lines 25-29; col. 1: lines 40-48].

Regarding claim 14, Mackey discloses said second receiver and said second transmitter of said base station are connected to at least one of the police station, the fire station, the security company, the mobile phone company, the casualty insurance company, and the road service company via a communication network [col. 1: lines 40-48].

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mackey.

Regarding claim 12, Mackey discloses a global positioning system and said first control unit superposes a position signal from the positioning system on said video signals from said first recording apparatus and transmits them to said base station via said first transmitter [col. 1: lines 31-48; col. 2: lines 25-29]. What Mackey does not specifically disclose is wherein the base station transmits said position information of said moving object to a map company, receives map information containing a position of said moving object from said map company and displays it on said display unit. However, the Examiner takes Official Notice that it is well known in the art to display a tracked object onto a map based on the objects location. It would have been obvious to one of ordinary skill in the art at the time of the invention to include this feature in order to more precisely illustrate the vehicle's actual location.

8. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mackey in view of Bague, US Patent Number 6,246,933 (hereinafter Bague).

Regarding claim 13, Mackey does not specifically disclose the image analysis device for comparing said video information for each frame and analyzing an accident based on a result of the comparison of said video information. However, Bague teaches this limitation [col. 14: lines 48-64].

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Mackey and Bague are combinable because they are from the same field of endeavor, that is, mobile vehicle accident recording. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Mackey to include Bague. The motivation for this modification would have been to provide a means to analyze an accident to determine the cause or party at fault for the accident.

### ***Allowable Subject Matter***

9. Claims 5, 6, 9, 11, 15, 16, 20, 21, 25, and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Turner, US Patent Number 6,002,326, discloses an automotive vehicle anti-theft, anti-vandalism, and anti-carjacking system.

Hamilton et al., US Patent Application Publication Number 2001/0005217, disclose an incident recording information transfer device.

Shanmugham, US Patent Application Number 6,630,884, discloses a surveillance system for vehicles that captures visual and audio data.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 703-308-0123. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 703-308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EAG  
November 10, 2004

  
ERIKA A. GARY  
PRIMARY EXAMINER